

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT RUSSELL,

Plaintiff,

v.

JOSEPH SAMEC,

Defendant.

CASE NO. 2:20-cv-00263-RSM-JRC

ORDER GRANTING MOTION TO  
WITHDRAW


This matter is before the Court on plaintiff's attorney's motion to withdraw himself and his firm as counsel. *See* Dkt. 80. Attorney Brian Zuanich moves to withdraw himself and Zuanich Law, PLLC, as counsel for plaintiff based on plaintiff's "fail[ure] to comply with certain portions of our fee agreement" and because plaintiff has filed a pending motion to dismiss claims against the remaining defendant under Fed. R. Civ. P. 41(a), so counsels' withdrawal will not prejudice plaintiff. Dkt. 80, at 2. Pursuant to Local Civil Rule (LCR) 83.2(b)(1), the motion includes a certification that the motion was served on all parties and on plaintiff and provides plaintiff's contact information. *See* Dkt. 80, at 1–2.

The court considers several factors when "evaluating a motion to withdraw, including (1) the reasons why withdrawal is sought; (2) the prejudice withdrawal may cause to other litigants;

(3) the harm withdrawal might cause to the administration of justice; and (4) the degree to which withdrawal will delay the resolution of the case.” *Curtis v. Illumination Arts, Inc.*, No. C12-0991JLR, 2014 WL 556010, at \*4 (W.D. Wash. Feb. 12, 2014). Here, none of these considerations weigh against denying the motion to withdraw, in light of the pending motion for voluntary dismissal of the remainder of plaintiff’s claims. No party has opposed the motion to withdraw or claimed that the withdrawal would cause prejudice. In light of these circumstances, although the withdrawal is after the discovery cutoff date, the Court will nevertheless grant the motion. *See* LCR 83.2(b)(1) (“The attorney will ordinarily be permitted to withdraw until sixty days before the discovery cut off[.]”); *see also Washington v. Starbucks Corp.*, No. C08-1144JCC, 2009 WL 10675531, at \*1 (W.D. Wash. May 18, 2009) (allowing counsel to withdraw even though “less than sixty days remain before the discovery cut off date”); *Wild Bainbridge v. Mainlander Servs. Corp.*, No. C04-5054BHS, 2008 WL 2230712 (W.D. Wash. May 29, 2008) (permitting withdrawal even though counsel moved to withdraw one day after the discovery cutoff date).

The Clerk shall terminate attorneys Brian Zuanich and Robert P. Zuanich (the other attorney associated with Zuanich Law, PLLC) as counsel of record and shall send plaintiff a copy of this Order.

Dated this 23rd day of July, 2021.



J. Richard Creatura  
Chief United States Magistrate Judge